

Exhibit 12

USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF DENNIS CANALE

I, Dennis Canale, depose and state as follows:

1. I am the head baseball coach for the varsity baseball team at Xaverian High School, a Catholic high school in Brooklyn, New York. I have held this position for nine years, and have coached baseball at various levels for nearly 30 years. If sworn as a witness, I could testify competently to the facts contained herein.

2. I care about the safety of the players in my program. If I believed that there were a safety problem with metal or non-wood composite bats, there is no question that I and all the coaches in my program would not allow our players to use them. However, I do not believe that there is an increased safety risk for metal or non-wood composite bats.

3. The coaches in our baseball program pride themselves on our ability to put our players in a position to take advantage of athletic scholarships to good Division I schools. In any

given year, an average of 6 or 7 Xavierian baseball players have received financial assistance from Division I schools through athletic scholarships. One player last year received a full scholarship to Duke University.

4. The Bat Ordinance recently passed by the New York City Council, which bans the use of metal and non-wood composite bats in high school play, will cause serious harm to Xavierian's baseball program and its players.

5. First, the Ordinance forces our players to use wood bats in high school play, while players at high schools outside New York City are allowed to use metal bats. This restriction places our players at a distinct disadvantage when it comes to competing for Division I scholarships.

6. Xavierian players compete for scholarships nationally. When a college scout compares a Xavierian hitter to a hitter from a program that is allowed to use metal bats, the player using a metal bat will undoubtedly have better statistics, and therefore a better chance at the limited number of available scholarships.

7. This disadvantage arises from the difficulty in hitting successfully with wood bats. The "sweet spot," which is that portion of the bat which results in the most effective hits when in contact with the ball, is much smaller on a wood bat than on an metal bat. The sweet spot on a wood bat is usually eight to ten inches off the top of the bat, and never more than six inches in length.

8. In contrast, the sweet spot on a metal bat is much larger. A larger sweet spot allows a player to make solid contact with a baseball over a wider surface area of the bat. The larger sweet spot results in more successful hits, since a player does not have to perfectly center

the ball on the bat to make solid contact. This larger sweet spot does not allow players to hit the ball harder than they could with wood. Rather, it allows them to hit the ball solidly more often. In my experience, there is no difference in velocity between the best hits off wood bats and the best hits of metal or non-wood composite bats.

9. In addition, metal and non-wood composite bats will not break when a baseball strikes the handle of the bat. For example, a batter swinging at an inside fastball with a wood bat will likely break the bat and either make an out or hit a foul ball. With a metal bat, the same hitter can often muscle the ball over an infielder's head because the metal bat will not break when struck on the handle. Again, this results in more hits and higher offensive statistics.

10. The second major problem caused by the Bat Ordinance is the cost of purchasing bats. Xaverian provides a few bats from our own funds, but the majority of players elect to purchase their own bats. The Bat Ordinance will essentially force our players to purchase two sets of bats – wood bats for use in New York City high school play and metal bats for games played elsewhere.

11. For example, each year the Xaverian varsity team travels to either Florida or California to play in high-profile Spring tournaments. These tournaments provide our players with excellent exposure to Division I college scouts. Of course, to compete effectively, our players will need to use metal bats against teams in these areas who will also be using metal bats. Otherwise, our players will suffer a competitive disadvantage.

12. The Bat Ordinance will also cause significant scheduling difficulties to Xaverian teams. The Xaverian varsity team each year plays West Scranton High School in Pennsylvania.

This team is unlikely to purchase a new set of bats for use only in a single game. This additional expense will jeopardize our ability to continue this home and home series.

13. Of course, Xaverian is not the only New York City high school that plays home games against teams from other states. Dozens of such games are played every year in the city, frequently involving high profile teams such as James Monroe High School, George Washington High School, and Tottenville High School that draw larger crowds and college scouts. It is unlikely that these games will continue to take place, since few programs outside New York City would be willing to buy wood bats for use in only a single game. This will further isolate New York City baseball and harm exposure of its players to college scouts.

14. Additionally, the Bat Ordinance will cause scheduling problems and logistical problems in our own league. Xaverian is a member of the Catholic High School Association, which includes three schools based outside New York City – Iona Preparatory in New Rochelle, Steppinac in Westchester, and Salesian High School in New Rochelle. These schools could elect to continue to use metal bats and games played in their cities, which would necessitate Xaverian players to use metal bats in this game to be competitive, or could choose not to schedule games in New York City rather than have to undergo the purchase of new bats. The first alternative adds extra expense, the second alternative could split our league.


15. These issues will come to an immediate head since the Catholic High School Association plays a fall schedule that will be impacted when the Ordinance takes effect in September.

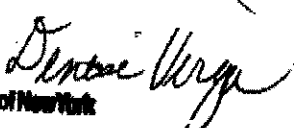
16. The Ordinance will also have a significant cost for our players and families. In addition to the metal and non-wood composite bats our players will still need to purchase for use

in tournaments and games outside New York City, they will now need to purchase several wood bats for New York City High School play. A typical player will go through 10 to 15 wood bats over the course of the season. So even if a typical player buys a moderately priced \$50 wood bat, this will result in a \$500 to \$750 cost for purchases of the bats alone.

17. This additional cost could hurt participation rates for my program because many players and families will not be able to afford this cost. This is equally true across the city. Many New York City schools and players are not in a financial position to afford this significant expense, and many players will likely choose not to play baseball at all. Lower participation rates will harm the overall quality of New York City baseball play, and thereby further harm the Xaverian baseball program.

This 23 day of MAY, 2007.


DENNIS CANALE


DENISE VIRGA
Commissioner of Deeds, City of New York
No. 5-1650
Cert. Filed in New York County
Commission Expires 10-01-2008